

Present: Gerald Putman, Chairman  
Andrew Holbert, Vice Chairman  
Donald Slota  
Greg Matyas  
Mary Jacyna

Also Present: Nathan VanWhy, Attorney for the Village  
Marina Lane, Town of Union Senior Planner  
Trustee John Walker, Village Board

A brief work session was held at 7:00pm. The board discussed the agenda and reviewed the applications.

Chairman Putman called the meeting to order at 7:30pm and noted the emergency exits.

### **MINUTES**

A motion to approve the minutes from the September 25, 2018 meeting was made by Ms. Jacyna and seconded by Mr. Slota. The motion passed with all those present voting in the affirmative.

### **PRIVILEGE OF THE FLOOR**

Chairman Putman opened the privilege of the floor.

A resident asked if there are any rumors about anything going in the mall.

Chairman said he has not heard anything but rumors.

Chairman Putman closed the privilege of the floor.

**COMMUNICATIONS** - None

**CONTINGENCIES** - None

**OLD BUSINESS** - None

### **NEW BUSINESS**

#### ***P&S Realty Partners – 117 Oakdale Road***

Lead Agency, Unlisted Action, SEQRA Determination, Site Plan Review for office use

A motion to declare lead agency for 117 Oakdale Road was made by Mrs. Jacyna and seconded by Mr. Slota.

*Motion Carried - Vote:*

***Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0***



George Slavik, one of the investment partners of the property, and Michael Piccirilli, son of Luciano Piccirilli, appeared on behalf of the application. They are planning to move an existing insurance office tenant from 701 Innovation Way to 117 Oakdale Road.

Luciano Piccirilli of P & S Realty Partners, LLC submitted a proposal to use an existing 5,800 square foot, single story building located at 117 Oakdale Road for business offices. They have a client who will use approximately 3,000 square feet initially, but plan to rent the remainder of the building, also for office use. The property is in an Industrial zoning district and the business office use is permitted. The parking area and building take up approximately 1.7 acres of the 5.54-acre property. The remainder of the lot is wooded.

There are no changes to the building footprint, parking layout or egress/ingress. The business office use is expected to generate less traffic than the former bank. The initial business office has 10 employees, and with greater than 70 parking spaces available, there is sufficient parking for the proposed use, including additional office uses in the future. Public water and sanitary sewer are available at the facility.

Chairman Putman reviewed Parts I, II and III of the short Environmental Assessment Form (E.A.F.).

A motion to declare the project an unlisted action and make a negative declaration under SEQRA was made by Mr. Holbert and seconded by Mr. Matyas.

*Motion Carried - Vote:*

**Yes** – 5 (*Matyas, Jacyna, Holbert, Slota, Putman*)    **No** – 0    **Absent** – 0

Chairman Putman reviewed the site plan.

Marina Lane of the Planning Department had spoken with Luciano Piccirilli about the need for a landscaping plan and parking plan. The parking lot is in poor shape. The most critical parking spaces are in front of the building.

Chairman Putman read the staff report including Department Head comments.

**Department Head Comments:**

- **B. C. Planning:** found no significant countywide or inter-community impacts associated with the project. (Additional comments were attached to the staff report.)
- **NYSDOT** Nothing is to be placed within the State Right-of-Way along NYS route 17, including signage or items in storage. The applicant may contact Tom Laskowski of the NYSDOT Broome Residency at (607) 775-0522 for assistance in locating the highway boundary.
- **Code Enforcement:**
  - The business shall not open until the office space with applicable functioning restrooms is complete and the building has been issued a Certificate of Occupancy.
  - The applicant shall use plumbing and electrical contractors licensed by the Village of Johnson City, and apply for appropriate building permits. Plans for all interior improvements shall be submitted to the Building Official for review prior to the issuance of any building permit.
  - Post signs for the handicap spot and access aisle.
- **Fire Department:** The Fire Marshal shall inspect the building prior to opening the business office. Contact the Fire Marshal at 607-729-9512.



- **Police Department:** No compelling interest.
- **Public Works & Water:**
  - The building requires a new water meter and backflow device. There was formerly a 1” meter on this property. Since this will primarily be office space, they should not need to upgrade to a larger meter size. They will need to purchase a new meter and couplings (\$399.39), which they can order through the water department. The cost of the new meter is the owner’s responsibility. A new meter will not be supplied until the backflow device application has been submitted to, reviewed and approved by the JC Water Department. Contact the Johnson City Water Department at (607) 797-2523.
  - The property requires at least a 1” backflow as well. No permits shall be granted until the department is supplied with detailed plumbing and utility plan and the engineer's report for backflow device. If there is an existing device it will need to be tested and backflow testing reports submitted to the Water Department, as well as the Health Department.
- **Planning Staff Recommendations:**

The Planning Department recommends approval of the site plan for 117 Oakdale Road, with the requirements from Code Enforcement, Public Works and Water, and the Fire Department, with the following stipulations:

1. If the parking lot should be repaved or seal-coated, the new striping shall delineate parking spaces at a minimum of nine (9) feet wide by eighteen (18) feet long, including the handicapped-accessible spaces, and eight (8) feet wide handicap access spaces adjacent to the handicap parking spaces, per the approved site plan.
2. The required handicap parking shall conform to the Property Maintenance code of NYS, and shall be provided with signage displaying the international symbol of accessibility. The access aisle shall be provided with signage reading “No Parking Anytime.” Signs shall be permanently installed at a clear height of between 60 inches and 84 inches above grade and shall not interfere with an accessible route from an access aisle.
3. A landscaping plan shall be provided to the Planning Department by May 31, 2019. Approved landscaping shall be installed by October 31, 2019.
4. Per § 300-54.2.E, all required landscaping shall be maintained in healthy condition by the property owner. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this chapter shall constitute a violation of these regulations.
5. If using municipal trash service, garbage cans shall weigh no more than 50 pounds, be no larger than 35 gallons, and shall not have hinged lids. There shall be no more than six items for pick-up at any time. Contact the Department of Public Services at (607) 797-3031 for additional requirements
6. If any changes are proposed to the exterior lighting fixtures, cut sheets for the proposed fixtures shall be submitted to the Code Enforcement Office for review and approval prior to installation.
7. A sign permit shall be submitted to the Building Permits office for all proposed signage prior to installation. All temporary signs (including price signs), portable signs, search lights,



balloons, sidewalk and curb signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that flash, blink, rotate, or move are not permitted.

8. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.
9. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant shall agree to follow stipulations of approval in strict accordance with the site plan approved by the Planning Board.

A motion for approval of the site plan including the planning department recommendations and the department head comments was made by Mr. Matyas and seconded by Mrs. Jacyna.

*Motion Carried - Vote:*

*Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0*

### **Affordable Housing Concepts - 135 – 139 Baldwin Street**

Sign Variance - Request Variance to permit 8 windblown banners through March 2019

Attorney Sarah Campbell appeared on behalf of the applicant. They received a request from the Century Sunrise project for temporary flag banners. She was asked to submit an application for 18 and she agreed to submit an application for eight. There is a lack of visibility of the building from a major highway. The developer's experience with these banners is that they are important and a benefit to the project. People driving by seem to notice the signs and they may spark interest in the apartments. The developer wants to do everything possible for the project to succeed. A suggestion was made that maybe they could have the banner flags for open house events. Ms. Campbell responded that there is no one event; they have open house every weekend.

Affordable Housing submitted an application to allow eight 11-foot 5-inch x 3-foot (11'5" x 3') banner flags on 15-foot poles to remain at 135-139 Baldwin Street through March, 2019. Four of the banner flags would be located on the Baldwin Street side of the property and four on the Willow Street side of the property. The property is located in a General Commercial zoning district and the Zoning Code does not permit permanent windblown signs. Temporary windblown signs are only permitted to communicate the opening of a new business for a total of 10 days. The submitted simulation appears to show a different location than the site plan showing the proposed location of the signs.

The Planning Board, Attorney VanWhy and Attorney Campbell discussed the rental units, permanent signs and time frame for banners.

Chairman Putman stated that Board understands it is in the Village's best interest to make this project work, but the Board also has to maintain some consistency in the code.

Chairman Putman read the Department Head Comments and Planning Staff Recommendations.

### **Department Head Comments:**

- **Broome County Planning:** The Village of Johnson City should ensure that the banner signs



would not block views, create line of sight impacts, encroach on sidewalks or public right-of-ways, or come unanchored in a strong wind or storm and create a vehicle or pedestrian traffic safety hazard.

- **NYS DOT:** The Region 9 Site Plan Review Committee has no comments, as this site is located well away from the State right-of-way and will have no transportation impacts.
- **Public Works & Water:** If the banners are blown over, knocked down or otherwise damaged by weather, they should be removed within 24 hours.
- **Police:** No compelling interest.
- **Fire Department:** No compelling interest.
- **Code Enforcement:** 135-139 Baldwin wants a variance for 8 windblown banners until March 2019. Code does not permit them past 10 days. Questions how a variance that runs with the land can be temporary. Eight banners seems excessive. If approved, banners should not overhang sidewalk when fully extended. Recommends an attractive, permanent sign.
- **Planning Staff Recommendation:** Planning staff recommends that the Planning Board recommend the ZBA deny the area variance to allow windblown (banner) flags in place through March, 2019.

Approving semi-permanent windblown signs would set an undesirable precedent for other businesses to have windblown signs. In addition, Planning staff feels that time limits on temporary signs is important not only in terms of aesthetics, but in terms of traffic affected by distracting clutter. In particular, the view along the fencing and trees on the Baldwin Street side of the buildings is already very busy. Planning staff would be supportive of a variance to permit two attractive monument signs, one at each street. Monument signs could visually enhance the historic nature of the buildings.

A motion to recommend to the Zoning Board denial of a variance for the windblown signs at 135 – 139 Baldwin Street, including the staff recommendations, was made by Mr. Holbert and seconded by Mr. Slota.

*Motion Carried - Vote:*

*Yes – 4 (Matyas, Jacyna, Holbert, Slota) No – 1 (Putman) Absent – 0*

### **Jax Signs – 68 N. Broad Street**

Sign Variance – Use variance to have an internally lit projecting sign

Mr. Taber submitted a variance application for a projecting sign at 68 N. Broad Street. The internally-illuminated circular sign is four-feet in diameter. The property is zoned Urban Multi-Family, and projecting signs are not permitted.

Jim Taber, owner of Jax Signs, appeared on behalf of the applicant. The former Manley's bar has a flat, non-illuminated sign on the wall facing Brocton. They would like one illuminated sign in the middle of the second floor perpendicular to N. Broad Street. It would be four feet round and would be better visibility for them. The new owner wants to make the bar into a nice place.

Chairman Putman confirmed that this action will be an advisory opinion to the Zoning Board of Appeals. Chairman Putman read the 239-Review, the Department Head Comments and Planning Staff Recommendations.



**Department Head Comments:**

- **Broome County Planning:** Does not make any determination or recommendation regarding the four tests of a use variance. They recommend the ZBA should ensure that the project would not run contrary to the Village of Johnson City's efforts to improve the local signage and to the purpose of the sign regulations to reduce visual clutter through the prevention of excessive sign displays and to protect the physical appearance of the community.
- **Public Works & Water:** Sign shall be illuminated only during business hours.
- **Police:** No comments.
- **Fire Department:** No comments.
- **Code Enforcement:** The sign shall be turned off once the bar closes.
- **Planning Staff Recommendation:**

The Planning Department staff recommends that the Planning Board recommend approval of the projecting sign. Although the proposed projecting sign does not meet the self-created hardship test for a use variance, the current business has three wall signs, whereas the projecting sign would eliminate the need for multiple signs. Staff recommends that the illumination be turned off when the business closes, in compliance with Section 300-52.7C.

Illumination.

- 1) Light sources shall be shielded to avoid glare/light pollution beyond property lines and to prevent disturbance to motorists;
- 2) No illuminated sign located on a lot adjacent to or across the street from any residential district, zone or use shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business during those hours.

Ms. Lane asked whether the sign will have low level light and Mr. Taber said he can fabricate the sign with a low level light intensity.

A motion to recommend approval of the projecting sign at 68 N. Broad Street with staff recommendations was made by Mr. Slota and seconded by Mrs. Jacyna.

*Motion Carried - Vote:*

*Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0*

**Proposed code change to Chapter 300 of the Village Code entitled "Zoning"**

Advisory opinion to the Village Board of Trustees

Mr. Putman stated that the Planning Board is being asked to give an advisory opinion to the Village Board to change the Zoning Code, Section 21.3, Table 21-2: Permitted Uses in General Commercial, Central Business and Industrial Zoning Districts, to say the following:

Special Permit uses in Industrial, Central Business and General Commercial Zoning Districts:



“Other Commercial or Business uses, except those expressly prohibited, upon the finding by the Planning Board that such use is of the same general character as those permitted and will not be detrimental to the other uses within the district or to the adjoining land uses, and upon issuance of a special permit pursuant to Article 66 and site plan review pursuant to Article 63.”

Ms. Lane explained that the Code has very specific uses permitted in all zoning districts, including the Industrial, Central Business and General Commercial zones. Any use that doesn't fit into those listed uses are not allowed. Code Enforcement and Planning are trying to be more flexible about how large spaces that are going to be empty, such as in the Oakdale Mall, can be used in the future. The proposed text takes into account that industry is changing and the Code book can't list every use that will be proposed. Some uses are appropriate, but just aren't defined in the Code book.

Chairman Putman clarified there may be a use that is proposed but is not listed; and if it's not listed you can't do it. This will allow some flexibility for the uses that are not delineated in that particular section of code, both on the industrial side and commercial side.

Attorney VanWhy further explained for the Commercial Districts there are four categories. This miscellaneous category will only apply in the Central Business and General Commercial Zoning Districts, in addition to the Industrial zoning district, and can be approved only if the Planning Board finds that the use that is being proposed is of the same general character as what is permitted.

A motion to recommend adoption of Local Law amending the Zoning Code as presented to the Planning Board on October 23, 2018 was made by Mr. Matyas and seconded by Mr. Holbert.

*Motion Carried - Vote:*

*Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0*

Before adjournment, there was a brief discussion regarding training for the Planning Board members to meet the four hours per year requirement. Mr. Putman asked what type of training the members are interested in. Attorney VanWhy will discuss SEQRA before the next meeting starting at 6:15pm.

## **ADJOURNMENT**

A motion to adjourn the Planning Board Meeting was made by Mrs. Jacyna and seconded by Mr. Holbert. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 8:36pm.

Respectfully submitted,

*Kim Cunningham*

Kim Cunningham  
Planning Board Clerk

